



# The Environmental Notice

A Semi-Monthly Bulletin pursuant to Section 343-3, Hawai'i Revised Statutes

## PUBLIC NOTICES

### MAUI FARMERS RESOURCE WORKSHOP Pesticide Use, Food Safety, Farm Services

The Hawai'i Department of Agriculture plans to conduct a workshop about pesticides use, food safety, and farm services at the [Community Service Building, U.H. Maui College, 310 Ka'ahumanu Avenue, Building 205 on Thursday, June 13, 2013, 3 p.m. to 6 p.m.](#) The workshop is coordinated through the Cooperative Extension Service, College of Tropical Agriculture and Human Resources, University of Hawai'i.

Farmers have many challenges, from managing new pests, assessing soil quality, obtaining loans, marketing produce and of course navigating through various government agencies. The Maui Farmers Resource workshop is intended to provide farmers with information about where to get help facing these challenges. The intent is to provide a multi-agency workshop where farmers can hear presentations about the services offered by these agencies as well as some of the regulatory issues that might directly affect them as a business. We hope that meeting the members of these agencies will make interactions between the farmers and these agencies easier and more effective. The course is free to attend and will also provide recertification credits towards Restricted Use Pesticide certification.

Workshop speakers include representatives from the Maui Office of Economic Development, Department of Health, Department of Agriculture, the University of Hawai'i, and the United States Department of Agriculture.

### HONOLULU RAIL TRANSIT PROJECT Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation

The Honolulu Authority for Rapid Transportation has completed a Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation, which is a limited-scope document prepared in response to a decision by the United States District Court. The DSEIS/Section 4(f) document evaluates two issues ordered by the Court: Whether the Beretania Street Tunnel Alternative was a feasible and prudent avoidance alternative under Section 4(f) of the Department of Transportation Act; and whether the Project would constructively "use" Mother Waldron Neighborhood Park in Kaka'ako under Section 4(f). The Federal Transit Administration is lead agency; there is a 45-day comment/review period. All comments must be received or postmarked by Monday, July 22, 2013. [See the document for details on where to submit comments.](#)



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## FRONT PAGE

- ★ Maui Farmers Resource Workshop - Pesticide Use, Food Safety, Farm Services
- ★ Honolulu Rail Project - Draft Supplemental Environmental Impact Statement/Section 4(f) Evaluation

## HAWAII (HRS 343)

1. [Schattauer Single Family Residence, North Kona FEA \(FONSI\)](#) ..... 3

## KAUAI (HRS 343)

2. [Rice Camp Parcels Affordable Housing Project DEA \(AFNSI\) & Appendices A to H](#)..... 3

## NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) NOTICES

1. [Installation of Photovoltaic Systems on Multiple Department of Defense Sites, O'ahu & Kaua'i](#) ..... 4
2. [Low Density Supersonic Decelerator \(LDSD\) Technology Demonstration, Pacific Missile Range Facility, Kaua'i](#) ..... 4

## DLNR NOTICES

- Conservation District Use Applications* ..... 5
- Shoreline Certification Applications* ..... 6
- Shoreline Certifications and Rejections* ..... 6

## COASTAL ZONE MANAGEMENT NOTICES

- Special Management Area Minor Permits*..... 7

## FEDERAL NOTICES

1. [The Gas Company \(Hawai'i Gas\) Notification of Proposed Production Activity at Kapolei Facility](#) ..... 8
2. [Correction to Notice of Public Meetings held by Western Pacific Fishery Management Council](#) ..... 8
3. [NMFS Issued Permit Amendments for Humpback Whale Research](#) ..... 9
4. [NMFS Issued Permit Amendments for Cetacean Research](#) ..... 9
5. [Determination of Endangered Status for 38 Species on Moloka'i, Lanai and Maui](#) ..... 10
6. [Notice of Public Meetings held by Western Pacific Fishery Management Council](#) ..... 10
7. [NMFS Issued Permit to Conduct Commercial or Education Photography on Bottlenose and Spinner Dolphins](#) ..... 10
8. [Fisheries in the Western Pacific: 5-Year Extension of Moratorium on Harvest of Gold Corals](#)..... 11
9. [Western Pacific Fisheries Requirements in the Marianas Trench, Pacific Remote Islands, and Rose Atoll](#) .. 11

## GLOSSARY ..... 12

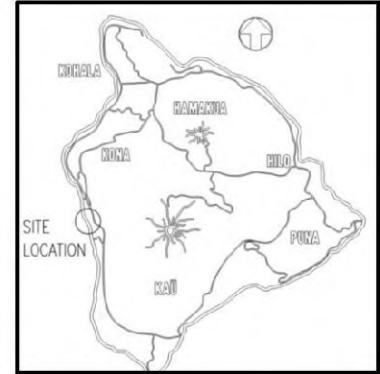




## HAWAI'I (HRS 343)

### 1. Schattauer Single Family Residence FEA (FONSI)

**Island:** Hawai'i  
**District:** North Kona  
**TMK:** (3) 7-9-006:014  
**Permits:** Conservation District Use Permit  
**Applicant:** Kainaliu Kahakai LLC, PO Box 2300, Kealahou, HI 96750. Contact: George A. Schattauer  
**Approving Agency:** Office of Conservation and Coastal Lands, Department of Land and Natural Resources, PO Box 621, Honolulu, HI 96809  
**Consultant:** Ali'i Architects, 75-5742 Kuakini Highway, Suite 205, Kailua Kona, HI 96740  
 Contact: Ali Ghalamfarsa, (808) 329-8777  
**Status:** Finding of No Significant Impact Determination



The applicant proposes to build a one-story two-bedroom single family residence on a 2.35-acre coastal parcel. The total developed area of the residence will be 2448 square feet. The foundation will be a combination of post and concrete piers and shear footings. The finished height will be nineteen feet above grade.

The proposed residence will be set back 40 feet from the shoreline, and 33 feet mauka from an existing rock wall that runs parallel to the shore. Access will be via an unpaved driveway. No additional landscaping is proposed.

The soil is stony silt loam with underlying pāhoehoe lava. The slope ranges from six to twelve percent, with a maximum height of 14-feet above mean sea level. The vegetation is dominated by non-native grasses, kiawe, koa haole, tamarind, and coconut palms. An archaeological survey identified ten sites of interest: a well system, stone walls, a house platform, and pre-Contact papamū, poho, water basins, and petroglyphs. The applicant has proposed passive protection of these through the establishment of two preservation easements.

Traditional uses of the property include pole fishing, throw net fishing, 'opihi gathering, and crabbing. The applicant states that they both support and participate in these activities.

## KAUA'I (HRS 343)

### 2. Rice Camp Parcels Affordable Housing Project DEA (AFNSI) & Appendices A to H

**Island:** Kaua'i  
**District:** Līhu'e  
**TMK:** (4) 3-6-009:001 and (4)3-6-004:009  
**Permits:** National Pollutant Discharge Elimination System (NPDES) Permit, Use Permit, Building Permit, Grubbing Permit, Right of Way (ROW) Permit (if applicable), Noise Permit (if applicable), and Grading Permit (if applicable)

#### **Proposing/Determination**

**Agency:** Kaua'i County Housing Agency, Pi'ikoi Building, 4444 Rice Street, Suite 330, Līhu'e, Kaua'i, HI 96766  
 Contact: Klayford Naka'ahiki, (808) 241-4451

**Consultant:** Environet, Inc., 1286 Queen Emma St., Honolulu, HI 96813  
 Contact: Colette Sakoda, (808) 833-2225 ext. 1004

**Status:** Statutory 30 day public review and comment period starts, comments are due by July 8, 2013. Please send comments to the proposing/determination agency and consultant.





The Kaua'i County Housing Agency is proposing to develop affordable senior housing at properties formerly known as the Rice Camp parcels, located at Tax Map Key (TMK) numbers (4)3-6-004:009 and (4)3-6-009:001, in Līhu'e, Kaua'i, Hawai'i. The current project development plans include a total of 60 units, in addition to a community center with laundry facilities, community gardens, landscaped open spaces, and a detention basin at the project site. Future development includes an additional building totaling 24 housing units. The completed development plan would include 84 total housing units at the project site offering housing for 80 to 100 senior residents. The Kaua'i County Housing Agency has a responsibility to provide much needed affordable housing to the county's senior residents. As the responsible entity designated by the U.S. Department of Housing and Urban Development (HUD), the Kaua'i County Housing Agency is preparing this environmental assessment to enable the release of HOME funds to complete the development of this project.

## NEPA NOTICES

### 1. Installation of Photovoltaic Systems on Multiple Department of Defense Sites, O'ahu and Kaua'i FEA/Draft FONSI

**Islands:** O'ahu and Kaua'i  
**Agencies:** Commander Navy Region Hawaii, 850 Ticonderoga St. Suite 110, JBPHH, HI 96860-5101; Marine Corps Base Hawaii, Commanding Officer, Box 63002, Kane'ohe Bay, HI 96863-3002; United States Army Garrison Hawai'i, 948 Santos Dumont Avenue, Wheeler Army Airfield, Bldg. 105, Schofield Barracks, HI 96857-5013  
**Contact:** Naval Facilities Engineering Command, Pacific, 258 Makalapa Drive, Suite 100, JBPHH, HI 96860-3134. Contact: EV21 EA Project Manager, (808) 472-1395  
**Status:** All comments must be received or postmarked by June 24, 2013. Send comments to the Naval Facilities Engineering Command address provided above or via e-mail to [NFPAC-Receive@navy.mil](mailto:NFPAC-Receive@navy.mil)

The Commander U.S. Army Garrison Hawaii, Commander Navy Region Hawaii, and Commanding Officer Marine Corps Base Hawaii, give notice that an Environmental Assessment (EA) has been prepared and an Environmental Impact Statement (EIS) is not required to make eighty-five (85) potential sites on various Department of Defense (DoD) installations in Hawai'i available to a solar energy contractor for the installation and operation of photovoltaic (PV) systems.

The Final EA and draft FONSI are available for public review at the following public libraries: Hawai'i State Library, Wahiawā Public Library, Salt Lake/Moanalua Public Library, 'Aiea Public Library, Pearl City Public Library, Kailua Public Library, Kane'ohe Public Library, 'Ewa Beach Public and School Library, and Waimea Public Library. The Final EA and draft FONSI are also available over the internet at [www.DoDHawaiiSolarEA.org](http://www.DoDHawaiiSolarEA.org)

### 2. Low Density Supersonic Decelerator (LDSD) Technology Demonstration, Pacific Missile Range Facility, Kaua'i

**Island:** Kaua'i  
**Agency:** National Aeronautics and Space Administration (NASA)  
**Consultant:** KAYA Associates Inc., Huntsville AL  
**Status:** Finding of No Significant Impact Determination

The National Aeronautics and Space Administration (NASA), Space Technology Mission Directorate, has completed an Environmental Assessment (EA) and signed a Finding of No Significant Impact (FONSI) for the Low Density Supersonic Decelerator (LDSD) Technology Demonstration Mission from the Pacific Missile Range Facility (PMRF) on Kaua'i, Hawai'i.

Public comments on the Draft EA were accepted through 19 April 2013. Comments received were reviewed and incorporated if appropriate for revision to the EA. The signed FONSI and Final EA are available at <http://www.govsupport.us/nasaldsdea>.



Based on the analysis, NASA has determined that the proposed activities are not expected to result in significant impacts to the environment, and an Environmental Impact Statement is not required. The signed FONSI and the Final EA are available at <http://www.govsupport.us/nasaldsdea> and at the following locations: Waimea Public Library, 9750 Kaumuali'i Highway, Waimea, HI 96796; Hawai'i State Library, Hawai'i & Pacific Section Document Unit, 478 South King Street, Honolulu, HI 96813-2901; Lihue Public Library, 4344 Hardy Street, Lihue, Kaua'i, HI 96766

Questions regarding these documents or requests for additional copies should be addressed to: Jet Propulsion Laboratory, 4800 Oak Grove Drive - MIS 301-370, Pasadena, CA 91109  
Contact: Jonathan Stabb (818) 393-4691, [jonathan.stabb@jpl.nasa.gov](mailto:jonathan.stabb@jpl.nasa.gov)

### Conservation District Use Applications

Persons interested in commenting on the following Conservation District Use Application or interested in receiving notification of determinations on Conservation District Use Applications must submit comments and requests to the Department of Land and Natural Resources. Notification requests must include the following information: 1) Name and address of the requestor; 2) The application for which the requestor would like to receive notice of determination; and 3) The date the notice was initially published in the Environmental Notice. Send comments and requests to: Department of Land and Natural Resources, Office of Conservation and Coastal Lands, P.O. Box 621, Honolulu, HI, 96809. DLNR will make every effort to notify those interested in the subject CDUAs. However, DLNR is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact the Office of Conservation and Coastal Lands staff listed.

#### **PROJECT:**

**File No.:** CDUA KA-3668  
**Name of Applicant:** County of Kaua'i, Dept. of Water  
**Location:** Kalāheo and Wahiawa, Kaua'i  
**TMKs:** (4) 2-4-003:006 & 007; 2-4-004: 005, 039, 049 & 058; and 2-4-009:003  
**Proposed Action:** Water System Improvements  
**343, HRS determination:** FONSI published July 23, 2012  
**Applicant's Contact:** Glen Koyama of Belt Collins (808) 521-5361  
**OCCL Staff Contact:** K. Tiger Mills (808) 587-0382

#### **PROJECT:**

**File No.:** CDUA OA-3673  
**Name of Applicant:** City and County of Honolulu Department of Design and Construction  
**Location:** Honolulu District, Island of O'ahu  
**TMK:** (1) 3-9-012:002  
**Proposed Action:** Rock fall Mitigation Project  
**343, HRS Determination:** Exempt  
**Applicant's Contact:** Julie Zimmerman (808) 356-5392  
**OCCL Staff Contact:** Alex J. Roy (808) 587-0316

#### **PROJECT:**

**File No.:** CDUA HA-3674  
**Name of Applicant:** Kuahiwi Ranch  
**Location:** Kaiholena, Ka'u, Hawai'i  
**TMKs:** (3) 9-7-001:001, 004, and 016  
**Proposed Action:** Run 2" pipeline from Old Plantation Spring to ranchlands in Kau  
**343, HRS Determination:** Exempt  
**Applicant's Contact:** Michelle Galimba, Kuahiwi Contractors, Inc., PO Box 294, Naalehu, HI 96722; 808-430-4927  
**OCCL Staff Contact:** Michael Cain, 808-587-0048

## SHORELINE NOTICES

### Shoreline Certification Applications

The shoreline certification applications above are available for review at the DLNR Offices on Kaua'i, Hawai'i, Maui, and Honolulu, 1151 Punchbowl Street, Room 220 (HRS 205A-42 and HAR 13-222-12). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, HI 96813 and postmarked no later than 15 calendar days from the date of the public notice of the application. For more information, call Ian Hirokawa at 587-0420.

File No.	Date	Location	Applicant/Owner	TMK
OA-1534	5/28/13	Lots 1636, 1637 & 1638 (Map 307) Land Court Application 1052 situate at Makaha, Wai'anae, O'ahu Address: 84-1101 & 84-1105 Farrington Highway Purpose: Determine building setback line	Leaps & Boundaries, Inc./ Kids, LLC	8-4-003:001 & 002
OA-1535	5/29/13	Lot 4-D Portion of Land Patent Grant No. 4938 to Bernard Rudolph Banning situate Kea'alau, Kaneohe, Ko'olaupoko, O'ahu Address: 44-609 Kane'ohe Bay Drive Purpose: House repair	Gil P. Bumanglag/ Edna Y. Sakurai Trust	4-4-016:015
MA-548	5/22/13	Portion of R.P. 5653, L.C. Aw. 477-E and 522 to Ladana situate at Lahaina, Maui Address: 811 Front Street Purpose: Determine shoreline setback	R.T. Tanaka Engineers, Inc./ Front Street Holding, Ltd.	4-5-001:001

### Shoreline Certifications and Rejections

The shoreline notices below have been proposed for certification or rejection by DLNR (HRS 205A-42 and HAR 13-222-26). Any person or agency who wants to appeal shall file a notice of appeal in writing with DLNR no later than 20 calendar days from the date of this public notice. Send the appeal to the Board of Land and Natural Resource, 1151 Punchbowl Street, Room 220, Honolulu, HI 96813.

File No.	Proposed/Rejected	Location	Applicant/Owner	TMK
MA-521	Proposed Shoreline Certification	Portions of Royal Patent 6962, Land Commission Award 3931 Apana 2 to Naiwimawaho and Land Patent 8129, Land Commission Award 8559-B, Apana 23 to Wm. C. Lunaliilo situate at Honolua, Ka'anapali, Maui Address: 6245 Honoapi'ilani Highway Purpose: Building setback	Arthur P. Valenica/ William & Mary Engel	4-2-004:019
HA-464	Proposed Shoreline Certification	Lots 41 and 42 as shown on Map 6 of Land Court Consolidation 129 situate at Waika, North Kohala, Island of Hawai'i Address: 59-109 and 59-111 Umaumalei Place Purpose: Obtain County permits	Wes Thomas Associates/ Chris & Marna Bame	5-9-016:029 & 030
MA-525	Rejection	The Hale Kai Condominium Lot being R.P. 4591, L.C. Aw. 3930, Ap. 1 to Nauwele; R.P. 4564, L.C. Aw. 4620 Ap. 5 to Kauaiuka and Grant 2-14008 to Haruko Kubo Omura; Lot 1- Grant 12,920 to M. Kawaguchi (CSF 10572) and a portion of Lot 4- Honokowai Government Remnants situate at Honokowai, Lahaina, Maui Address: 3695 Lower Honoapi'ilani Road Purpose: SMA and building permit for replacement of existing lanais and stairways	Akamai Land Surveying, Inc./ Hale Kai Inc. AOAO	4-4-001:042
MA-527	Rejection	The "Milowai Condominium" being Lot 5 of the Ma'alaea Beach Lots being a portion of Grant 835 to Mahoe situate at Ma'alaea, Maui Address: 50 Hauoli Street Purpose: SMA and other permitting purposes	Newcomer-Lee Land Surveyors, Inc./ Milowai-Ma'alaea AOAO	3-8-014:022



MA-528	Rejection	The "Pohailani Maui" Condominium being a portion of Grant 1166 to D. Baldwin, J.F. Pogue and S.E. Bishop situate at Kahananui, Ka'anapali, Maui Address: 4435 Lower Honoapi'ilani Road Purpose: SMA and other permitting purposes	Newcomer-Lee Land Surveyors, Inc./ Pohailani Maui Condominium	4-3-005:008
KA-364	Rejection	Lots 1,2 and 3 (File Plan 458) being portion of R.P. 6714, L.C. 7714-B, Apana 2 to Moses Kekua'iwa No M. Kekuanaoa situate at Kukui'ula, Koloa, Kaua'i Address: 4637 Amio Road, Alania Road & 2691 Alania Road Purpose: Small scale sand nourishment project	Honua Engineering, Inc./ Kukuiula Development Co. LLC	2-6-011:013, 014 & 015

## COASTAL ZONE MANAGEMENT NOTICES

### Special Management Area (SMA) Minor Permits

The SMA Minor permits below have been approved (HRS 205A-30). For more information, contact the county/state Planning Department. Honolulu (768-8014); Hawai'i (East Hi, 961-8288; West Hi, 323-4770); Kaua'i (241-4050); Maui (270-7735); Kaka'ako or Kalaheo Community Development District (587-2841).

Location (TMK)	Description (File No.)	Applicant/Agent
Hawai'i: South Hilo (2-8-008: Portion of 100)	Removal of 80 Invasive Ironwood Trees and Planting of Native Trees and Shrubs (SMM 13-266)	Henry J. Correa, Jr.
Hawai'i: South Kohala (6-9-003: 014)	Remove Trees, Extension of Waterline, Add Topsoil and Landscape Yard (SMM 13-267)	Tyrone G. Rapozo and Jolette A Rapozo
Hawai'i: North Kona (7-8-010: Portion of 044)	Keauhou Bay Building Site Remediation and Routine Maintenance (SMM 13-268)	Kamehameha Schools
Kaua'i: Hanalei (5-5-001: 004 & 011)	Diesel Tank Addition to Existing Power Plant Facility (SMA(M)-2013-21)	Kaua'i Island Utility Cooperative (KIUC)
Kaua'i: Hanalei (5-5-001: 004 & 011)	Commercial Surf School/Stand-Up Paddle Instruction (per Peddlers & Concessionaires Ordinance) (SMA(M)-2013-22)	Department of Parks & Recreation, County of Kaua'i
Kaua'i: Hanalei (5-5-001: 004 & 011)	Commercial Surf School/Stand-Up Paddle Instruction (per Peddlers & Concessionaires Ordinance) (SMA(M)-2013-23)	Department of Parks & Recreation, County of Kaua'i
Kaua'i: Hanalei (5-5-008: 015)	Conversion of Existing Structure into Detached Guest House (SMA(M)-2013-24)	David & Maggie Jansen
Kaua'i: Kapa'a (4-5-012: 019 & 044)	Commercial Vendor Operation & Off-street Parking (SMA(M)-2013-25)	Jasper Properties LLC.
Kaua'i: Mānā (1-2-002: 009, 036 & 040)	Stockpiling - Mānā Drag Strip Improvements (SMA(M)-2013-26)	State of Hawai'i, Department of Land & Natural Resources
Kaua'i: Hanalei (5-5-009: 008)	Deck Addition (SMA(M)-2013-27)	Hanalei Commercial Inc.
Kaua'i: Hanalei (5-4-004: 055)	Grading for Seven Agriculture Ponds (SMA(M)-2013-28)	Ed Ben-Dor, Trustee
Maui: Kahului (3-7-011: 019)	Kahului Office Building A.C. Replacement (SM2 20120030)	A & B Properties, Inc.
Maui: Kahului (3-7-011: 003)	Install Ground Sign (SM2 20120139)	Jones Maui Property Holdings, LLC
Maui: Kihei (3-9-008: 003 and 004)	Reroof (SM2 20130056)	Kimmey, Marie
Maui: Lahaina (4-5-003: 002)	Dwelling Repair/Outdoor Improve (SM2 20130057)	Martin Vance Cooper
Maui: Molokai (5-7-010: 096)	Install Utility Pole and Meter (SM6 20130002)	Michael Spalding
O'ahu: Kailua (4-3-058: 020)	Sueoka Apartment Building – 4 Units (2013/SMA-17)	Scott Sueoka
O'ahu: Haleiwa (6-6-009: 002 and 5-9-028: 022)	Stockpile Plan for Scott Wallace (2013/SMA-18)	Hida Okamoto & Associates
O'ahu: Kailua (4-3-013: 039)	New Open-work Fence on a Vacant Residential Lot (2013/SMA-19)	SL Development, LLC/Alden Badenhop, Gilda Muro



FEDERAL NOTICES

1. [The Gas Company \(Hawai'i Gas\) Notification of Proposed Production Activity at Kapolei Facility](#)

The Gas Company, LLC dba Hawai'i Gas (Hawai'i Gas), operator of Subzone 9F, submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for their facility in Kapolei, Hawai'i. The notification conforming to the requirements of the regulations of the FTZ Board (15 CFR 400.22) was received on May 22, 2013.

The subzone currently has authority to produce synthetic natural gas, carbon dioxide, hydrogen, hydrocarbon gas mixtures and zinc sulfide using certain foreign-status feedstocks produced within Subzone 9A. The current request would allow Hawai'i Gas to admit the feedstocks listed below from any source in foreign status. Pursuant to 15 CFR 400.14(b), FTZ activity would be limited to the specific foreign-status materials and components and specific finished products described in the submitted notification (as described below) and subsequently authorized by the FTZ Board. Production under FTZ procedures could exempt Hawai'i Gas from customs duty payments on the foreign status components used in export production. On its domestic sales, Hawai'i Gas would be able to choose the duty rates during customs entry procedures that apply to synthetic natural gas, carbon dioxide, hydrogen, hydrocarbon gas mixtures and zinc sulfide (duty rate ranges from duty-free to 3.7%) for the foreign status inputs noted below. Customs duties also could possibly be deferred or reduced on foreign status production equipment. The components and materials sourced from abroad include: mixtures of light petroleum derivative hydrocarbons, including medium to light naphthas; and, crude petroleum oils in the form of natural gas condensates (duty rate 10.5[cent]/barrel).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is **July 15, 2013**.

A copy of the notification will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 21013, U.S. Department of Commerce, 1401 Constitution Avenue N.W., Washington, DC 20230-0002, and in the "Reading Room" section of the Board's Web site, which is accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz). For further information, contact Elizabeth Whiteman at [Elizabeth.Whiteman@trade.gov](mailto:Elizabeth.Whiteman@trade.gov) or (202) 482-0473

2. [Correction to Notice of Public Meetings held by Western Pacific Fishery Management Council](#)

The Western Pacific Regional Fishery Management Council's under the agencies the National Marine Fisheries Service (NMFS) and National Oceanic and Atmospheric Administration (NOAA) will convene meetings of its Hawai'i, American Samoa, Guam and Commonwealth of the Mariana Islands (CNMI) Archipelagic Advisory Panels (APs) and the Hawai'i Regional Ecosystem Advisory Committee (REAC). The Hawai'i AP will be held on **June 13, 2013** from 9 a.m. - 2 p.m.

**Correction:** The Hawai'i REAC will be held on **June 17, 2013** from 9 a.m. to 4 p.m. (Not June 12, 2013 as previously published). The Hawai'i AP and the Hawai'i REAC meetings will be held at the Western Pacific Regional Fishery Management Council office, 1164 Bishop Street, Suite 1400, Honolulu, HI, phone (808) 522-8220.

3. [NMFS Issued Permit Amendments for Humpback Whale Research](#)

Notice is hereby given that a major amendment to Permit No. 10018-01 has been issued to Rachel Cartwright, Ph.D., Keiki Kohola Project, Oxnard, California. The permit amendment and related documents are available for review upon written request or by appointment in the Pacific Islands Region at NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814-4700; phone (808) 944-2200; fax (808) 973-2941. CONTACT: Carrie Hubard or Kristy Beard, (301) 427-8401.

On November 21, 2011, notice was published in the Federal Register (76 FR 71938) that a request for an amendment Permit No. 10018-01 to conduct research on humpback whales (*Megaptera novaeangliae*) had been submitted by the above-named applicant. The requested permit amendment has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et seq.), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226). Permit No. 10018, issued on June 18, 2008 (73 FR 36042) and amended on July 14, 2010 (75 FR 43150), authorizes Dr. Cartwright to conduct humpback whale research, consisting of photo-identification, focal follows, underwater observations, and collection of sloughed skin, in Hawaiian and Alaskan waters from May through September each year. The permit has been amended to authorize the deployment of suction cup satellite tags to a maximum of 18 females in female-calf pairs. Tagging may only occur in Hawai'i. The purposes of the tagging activities are to: (1) Verify the impact of research vessels during boat based behavioral follows and (2) further understand how female-calf pairs use breeding ground habitat, potentially identifying key resting regions and establishing the degree to which female-calf pairs circulate



within vs. move between specific favored female-calf regions. Although the amendment request originally included attaching six implantable satellite tags to yearling humpback whales, this portion of the request was withdrawn by the applicant is not included in the amended permit. The amended permit expires on June 30, 2013.

A supplemental environmental assessment (SEA) analyzing the effects of the permitted activities on the human environment was prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Based on the analyses in the SEA, NMFS determined that issuance of the permit would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on May 9, 2013. As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

#### 4. NMFS Issued Permit Amendments for Cetacean Research

Notice is hereby given that major permit amendments have been issued to Joseph Mobley, Jr., University of Hawai'i at Mānoa, 2528 McCarthy Mall, Honolulu, HI 96816; Ann Zoidis, Cetos Research Organization, 11 Des Isle Ave Bar Harbor, ME 04609; and Jim Darling, Ph.D., Whale Trust, P.O. Box 384, Tofino, BC V0R2Z0, Canada, for Scientific Research Permit Nos. 14451, 14353, and 13846, respectively.

The permit amendments and related documents are available for review upon written request or by appointment in the Pacific Islands Region, NMFS, 1601 Kapi'olani Blvd., Rm. 1110, Honolulu, HI 96814-4700; phone (808) 944-2200; fax (808) 973-2941. CONTACT: Kristy Beard or Carrie Hubard, (301) 427-8401.

On January 15, 2013, notice was published in the Federal Register (78 FR 2955) that the subject amendment requests had been submitted by the above-named applicants. The requested permit amendments have been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 et seq.), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Permit No. 14451, issued on July 14, 2010 (75 FR 43151), authorizes the permit holder, Joseph Mobley, Jr., to study cetaceans off the east and west coast of the United States, Hawai'i, Alaska, Guam, and the Mariana Islands. Researchers target numerous cetacean species including endangered blue whales (*Balaenoptera musculus*), fin whales (*B. physalus*), humpback whales (*Megaptera novaeangliae*), sei whales (*B. borealis*), and sperm whales (*Physeter macrocephalus*), during aerial and vessel surveys for photo-identification, videography, and behavioral observations. The permit includes authorization under the MMPA to take 205 false killer whales (*Pseudorca crassidens*) in Pacific waters off of Hawai'i. Insular Hawaiian false killer whales were listed as endangered under the ESA in November 2012; therefore, the permit holder now requires authorization under the ESA to take Insular Hawaiian false killer whales. The permit amendment, Permit No. 14451-01, authorizes 180 of the false killer whale takes previously authorized by the permit to be takes of Insular Hawaiian false killer whales under the ESA.

Permit No. 14353, issued on July 14, 2010 (75 FR 43151), authorizes the permit holder, Ann Zoidis, to conduct scientific research on humpback and minke (*B. acutorostrata*) whales in Hawaiian waters. Research occurs annually from January through March. Humpback whale research is focused in the Au'au Channel near Maui. Research activities include photo-identification, behavioral observations, passive acoustic recording, and underwater photo/videography. Suction cup tags are deployed on humpback whales. Minke whales are approached for photo-identification anywhere within the main Hawaiian Islands. The permit includes authorization under the MMPA for the incidental harassment of up to 1,000 false killer whales during activities in Pacific waters off of Hawaii. Insular Hawaiian false killer whales were listed as endangered under the ESA in November 2012; therefore, the permit holder now requires authorization under the ESA to take Insular Hawaiian false killer whales. The permit amendment, Permit No. 14353-01, authorizes the incidental harassment of Insular Hawaiian false killer whales under the ESA and expands the geographic area throughout the Hawaiian Islands, including the Northwestern Hawaiian Islands chain.

Permit No. 13846, issued on July 14, 2010 (75 FR 43151), authorizes the permit holder, Jim Darling, Ph.D., to study humpback whales in Hawai'i (primarily off west Maui) and humpback and Eastern gray (*Eschrichtius robustus*) whales along the coastlines of Washington and Alaska. Researchers may conduct photo-identification, passive acoustic recording, behavioral observation (by vessel, underwater and aerial), video recording, collection of sloughed skin, photogrammetry, biopsy sampling, playback experiments, and/or suction cup and implant tagging of target whales. The permit includes authorization under the MMPA for the incidental harassment of up to 150 false killer whales during playback experiments in Pacific waters off Hawai'i. Insular Hawaiian false killer whales were listed as endangered under the ESA in November 2012; therefore, the permit holder now requires



authorization under the ESA to take Insular Hawaiian false killer whales. The permit amendment, Permit No. 13846-02, authorizes the incidental harassment of Insular Hawaiian false killer whales under the ESA.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), a final determination has been made that the activities proposed are consistent with the Proposed Action Alternative in the Environmental Assessment for the Issuance of Scientific Research Permits for Research on Humpback Whales and Other Cetaceans (NMFS 2010). Based on the analyses in the EA, NMFS determined that issuance of the permits would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. That determination is documented in a Finding of No Significant Impact (FONSI), signed on May 9, 2013. The EA and FONSI are available upon request.

As required by the ESA, issuance of these permits was based on a finding that such permits: (1) Were applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

#### 5. [Determination of Endangered Status for 38 Species on Moloka'i, Lāna'i and Maui](#)

The U.S. Fish and Wildlife Service (USFWS) determine endangered status under the Endangered Species Act of 1973 (Act), as amended, for 38 species on the Hawaiian Islands of Molokai, Lāna'i, and Maui, and reaffirm the listing of 2 endemic Hawaiian plants currently listed as endangered. In this final rule, we are also delisting the plant *Gahnia lanaiensis*, due to new information that this species is synonymous with *G. lacera*, a widespread species from New Zealand. The effect of this regulation is to conserve these 40 species under the Endangered Species Act.

This rule becomes effective on June 27, 2013. This final rule is available on the Internet at <http://www.regulations.gov>. Comments and materials received, as well as supporting documentation used in preparing this final rule are available for public inspection, by appointment, during normal business hours, at U.S. Fish and Wildlife Service, Pacific Islands Fish and Wildlife Office, 300 Ala Moana Boulevard, Box 50088, Honolulu, HI 96850; telephone 808-792-9400; facsimile 808-792-9581.  
CONTACT: Loyal Mehrhoff, Field Supervisor

#### 6. [Notice of Public Meetings held by Western Pacific Fishery Management Council](#)

The Western Pacific Fishery Management Council (Council) will hold its 113th Scientific and Statistical Committee, Executive and Budget Standing Committee, Pelagic and International and Protected Species Standing Committee and the 157th Council Meeting to take actions on fishery management issues in the Western Pacific Region.

The meetings will be held from **June 18, 2013 through June 27, 2013**. All meetings will be held in Honolulu, Hawai'i. The SSC, Executive and Budget Standing Committee and the Pelagic and International and Protected Species Standing Committee meetings will be held at the Council Office, 1164 Bishop Street, Suite 1400, Honolulu, HI 96813, telephone: (808) 522-8220. The 157th Council meeting will be held at the Laniakea YWCA-Fuller Hall, 1040 Richards Street, Honolulu, HI 96813, telephone: (808) 538-7061. The Fishers Forum will be held at the Harbor View Center, Pier 38, 1129 North Nimitz Highway, Honolulu, HI 96817, telephone: (808) 983-1200. CONTACT: Kitty M. Simonds, Executive Director; telephone: (808) 522-8220.

The Scientific and Statistical Committee (SSC) will meet from June 18, 2013 to June 20, 2013 between 8:30 a.m. and 5 p.m.; the Council's Executive and Budget Standing Committee will meet on June 25, 2013 between 10 a.m. and 12 noon; the Pelagic and International and Protected Species Standing Committee will meet on June 25 between 1 p.m. and 4 p.m.; the 157th Council meeting will be held between 8:30 a.m. and 5:30 p.m. on June 26, 2013, between 8:30 a.m. and 5 p.m. on June 27, 2013, and between 8:30 a.m. and 5 p.m. on June 28, 2013. A Fishers Forum will be held in association with the 157th Council Meeting between 6 p.m. and 9 p.m. on June 27, 2013.

In addition to the agenda items, the Council will hear recommendations from Council advisory groups. Public comment periods will be provided throughout the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

#### 7. [NMFS Issued Permit to Conduct Commercial or Education Photography on Bottlenose and Spinner Dolphins](#)

Notice is hereby given that a permit has been issued to Brian Skerry, 285 High Street, Uxbridge, MA 01569, to conduct commercial or educational photography on bottlenose (*Tursiops truncatus*) and spinner (*Stenella longirostris*) dolphins.

The permit and related documents are available for review upon written request or by appointment in the Pacific Islands Region at NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI 96814-4700; phone (808) 944-2200; fax (808) 973-2941. CONTACT: Carrie Hubard or Kristy Beard, (301) 427-8401.

On March 22, 2013, notice was published in the Federal Register (78 FR 17639) that a request for a permit to conduct commercial/educational photography had been submitted by the above-named applicant. The requested



permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 17941 authorizes two photography/filming projects. The first consists of helicopter flights over Florida Bay to film bottlenose dolphins mud-ring feeding. A maximum of 400 dolphins may be harassed during the filming. The second project focuses on areas where spinner dolphins and humans interact in Hawai'i. Locations include the west side of Oahu and four bays on the Kona coast of Hawai'i Island. Methods include both vessel-based and underwater photography. Up to 75 spinner dolphins may be approached within 50 yards during the filming. Four pantropical spotted dolphins (*Stenella attenuata*) may also be approached if they are associated with spinner dolphins. Images and video from both locations will be used for a feature story in National Geographic Magazine on dolphin cognition and intelligence. The permit expires on March 31, 2014.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

#### 8. Fisheries in the Western Pacific: 5-Year Extension of Moratorium on Harvest of Gold Corals

This final rule extends the region-wide moratorium on the harvest of gold corals in the U.S. Pacific Islands through June 30, 2018. NMFS intends this final rule to prevent overfishing and to stimulate research on gold corals. This rule is effective June 28, 2013.

Background information on Pacific Island precious coral fisheries is found in the western Pacific fishery ecosystem plans, available from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, fax 808-522-8226, or [www.wpcouncil.org](http://www.wpcouncil.org). CONTACT: Lewis Van Fossen, 808-541-1378.

Precious corals (also called deep-sea corals), including gold corals, are used in high-quality jewelry. NMFS and the Council manage precious corals under fishery ecosystem plans for American Samoa, Hawaii, the Mariana Islands (Guam and the Northern Mariana Islands), and the U.S. Pacific Remote Island Areas. On September 12, 2008, NMFS established a 5-year moratorium on the harvest of gold corals in U.S. Pacific Islands (73 FR 47098). The moratorium was based on information that gold corals grew much more slowly and lived longer than previously thought, suggesting that these species were vulnerable to overharvest. NMFS and the Council intended the harvest moratorium to encourage research into gold coral biology and prevent overfishing.

#### 9. Western Pacific Fisheries Requirements in the Marianas Trench, Pacific Remote Islands, and Rose Atoll

In this final rule, NMFS establishes requirements for fishing in the Marianas Trench, Pacific Remote Islands, and Rose Atoll Marine National Monuments. The intent of this rule is to implement fishery management measures consistent with Presidential Proclamations 8335, 8336, and 8337, which established the monuments.

This final rule is effective on July 3, 2013, except for the amendments to Sec. Sec. 665.13, 665.14, and 665.16, and new Sec. Sec. 665.903(b) and (c), 665.904(b), 665.905, 665.933(b) and (c), 665.934(b), 665.935, 665.963(b) and (c), 665.964(b), and 665.965. Those sections contain collection-of-information requirements that the Office of Management and Budget (OMB) has not yet approved under the Paperwork Reduction Act (PRA). When NMFS receives OMB approval, we will publish the control number and the effective date in the Federal Register.

The background and details of the monuments fishing provisions are described in Amendment 3 to the Fishery Ecosystem Plan for the Mariana Archipelago, Amendment 2 to the Fishery Ecosystem Plan for the Pacific Remote Island Areas, Amendment 3 to the Fishery Ecosystem Plan for American Samoa, and Amendment 6 to the Fishery Ecosystem Plan for Pelagic Fisheries of the Western Pacific. You may obtain the amendment from [www.regulations.gov](http://www.regulations.gov) or from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, fax 808-522-8226, or from [www.wpcouncil.org](http://www.wpcouncil.org).

You may submit written comments regarding the burden-hour estimates or other aspects of the collection-of-information requirements contained in this final rule to Michael D. Tosatto (see ADDRESSES) and by email to [OIRA\\_Submission@omb.eop.gov](mailto:OIRA_Submission@omb.eop.gov) or fax to 202-395-7285. CONTACT: Jarad Makaiau 808-944-2108.



## GLOSSARY

### Agency Actions

Any department, office, board, or commission of the state or county government which is part of the executive branch of that government per [HRS 343-2](#).

### Applicant Actions

Any person who, pursuant to statute, ordinance, or rule, requests approval for a proposed action per [HRS 343-2](#).

### Draft Environmental Assessment

When an Agency or Applicant proposes an action that [triggers](#) HRS 343, an Environmental Assessment shall be prepared at the earliest practicable time to determine whether an environmental impact statement shall be required per [HRS 343-5\(b\)](#), for Agency actions and [HRS 343-5\(c\)](#), for Applicant actions. For actions for which the agency anticipates a Finding of No Significant Impact (AFNSI), a Draft EA (DEA) shall be made available for public review and comment for 30 days and public notice is published in this periodic bulletin

### Final Environmental Assessment and Finding of No Significant Impact

The Agency shall respond in writing to comments on a DEA received during the review and prepare a Final EA (FEA) to determine whether an environmental impact statement shall be required. The FEA must respond to all public comments. If there are no significant impacts, then the Agency will issue a Finding of No Significant Impact (FONSI). An Environmental Impact Statement will not be required and the project may then be implemented. The public has 30 days from the notice of a FONSI in this bulletin to ask a court to require the preparation of an EIS.

### Final Environmental Assessment and Environmental Impact Statement Preparation Notice

An EIS shall be required if the Agency finds that the proposed action may have a significant effect on the environment. The Agency shall file notice of such determination with OEQC, called an EIS Preparation Notice (EISPN) along with the supporting Final EA. After the notice of the FEA-EISPN is published in this bulletin, the public has 30 days to request to become a consulted party and make written comments. The public (including the Applicant) has 60 days from the notice of the EISPN in this bulletin to ask a court to not require the preparation of an EIS.

### Act 172-2012, Environmental Impact Statement Preparation Notice (with no EA)

Act 172-2012, amended HRS 343, by providing for an agency to bypass the preparation of an environmental assessment for various actions that in the experience of the agency would clearly require the preparation of an EIS. Until administrative rules have been drafted, the agency must submit its

determination that an EIS is required for an action (Act 172-2012, EISPN) with a completed OEQC publication form detailing the specifics of the action to enable the public to request for a period of thirty-days, to be consulted parties in the preparation of the Draft EIS. Comments and responses must be incorporated into the subsequent Draft EIS.

### Draft Environmental Impact Statement

After receiving the comments on the EISPN, the Agency or Applicant must prepare a Draft Environmental Impact Statement (DEIS). The [content requirements](#) of the DEIS shall contain an explanation of the environmental consequences of the proposed action including the direct, indirect and cumulative impacts and their mitigative measures. The public has 45 days from the first publication date in this bulletin to comment on a DEIS. The DEIS must respond to comments received during the EISPN comment period in a point-by-point manner.

### Final Environmental Impact Statement

After considering all public comments filed during the DEIS stage, the Agency or Applicant must prepare a [Final EIS](#) (FEIS). The FEIS must respond in a point-by-point manner to all comments from the draft and must be included in the FEIS. See here for [style](#) concerns. For Applicant projects, the Approving Agency is authorized to accept the FEIS and must do so within 30-days or the FEIS is accepted as a matter of law. For an Agency project, the Governor or the Mayor (or their designated representative) is the Accepting Authority, and unlike applicant actions, there is no time limit on the accepting authority reviewing the FEIS. Only after the FEIS is accepted may the project be implemented.

### Acceptability

If the FEIS is [accepted](#), notice of this action is published in this bulletin. The public has 60 days from the date of notice of acceptance to ask a court to vacate the acceptance of a FEIS. For Applicant actions, non-acceptance by the Approving Agency is cause for the Applicant to administratively appeal to the Environmental Council. For Agency actions, there is no such administrative appeal. In both instances, the Applicant or the proposing Agency can prepare a revised DEIS after a nonacceptance determination.

### National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal projects to prepare an EA or EIS. In many ways it is similar to Hawaii's law. Some projects require both a State and Federal EIS and the public comment procedure should be [coordinated](#). OEQC publishes NEPA notices in this bulletin to help keep the public informed of important federal actions.

### Conservation District

Any use of land in the State Conservation District requires a Conservation District Use Application

(CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources. Members of the public may intervene in the permit process. Notice of permit applications are published in this bulletin.

### Special Management Area and Shoreline Setback Area

The Special Management Area (SMA) is along the coastline of all islands and development in this area is generally regulated by [HRS 205A](#), and county ordinance. A special subset of the SMA that is regulated by HRS 343, is the [Shoreline Setback Area](#). Most development in this area requires a Special Management Permit. This bulletin posts notice of these SMA applications to encourage public input.

### Shoreline Certifications

State law requires that Hawaii's shorelines be surveyed and certified when necessary to clearly establish the shoreline setback from the certified shoreline. The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified by the State surveyor prior to construction. This bulletin publishes notice from the Department of Land and Natural Resources of shoreline certification applicants and final certifications or rejections.

### Environmental Council

The [Environmental Council](#) is a 15-member citizen board appointed by the Governor. They serve as a liaison between the Director of OEQC and the general public concerning ecology and environmental quality. The Council makes the rules that govern the Environmental Impact Statement process (HRS 343). [Agendas](#) of their regular meetings are posted on the Internet and the public is invited to attend.

### Exemption Lists

Government agencies must keep a list describing the minor activities they regularly perform that are [exempt](#) from the environmental review process. These lists and any amendments shall be submitted to the Council for review and concurrence ([HAR 11-200-8\(d\)](#)). This bulletin will publish an agency's draft exemption list for public comment prior to Council decision making, as well as notice of the Council's decision on the list.

### Endangered Species

This bulletin is required by [HRS 343-3\(c\)](#), to publish notice of public comment periods or public hearings for Habitat Conservation Plans (HCP), Safe Harbor Agreements (SHA), or Incidental Take Licenses (ITL) under the federal Endangered Species Act, as well as availability for public inspection of a proposed HCP or SHA, or a proposed ITL (as a part of an HCP or SHA).